

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 29983 of 2006(T)

PETITIONER: PETITIONER

KANNIKUMAR, S/O. NAMBI REDDY,
35/581, ABHIRAMI JUNCTION,
PALARIVATTOM, KOCHI-25.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS: RESPONDENTS

1. KERALA STATE HOUSING BOARD,
REPRESENTED BY ITS SECRETARY,
SANTHI NAGAR BUILDING, THIRUVANANTHAPURAM.
2. EXECUTIVE ENGINEER,
KERALA STATE HOUSING BOARD, ERNAKULAM DIVISION,
PANAMPILLY NAGAR, KOCHI.

ADDL. RESPONDENT:

3. K.S.H.B. VASANT NAGAR ALLOTTEES' ASSOCIATION,
REP. BY ITS SECRETARY, VASANT NAGAR,
KALOOR, KOCHI-17.

(ADDL. R3 IS IMPEADED AS PER ORDER DT.24.11.2006 IN
I.A. NO.16253/2006.)

R1&2 BY ADV. SRI.POOVAPPALLY M. RAMACHANDRAN NAIR, SC
R3 BY ADV. SRI.K.C.CHARLES

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE LOCATION SKETCH OF THE PROPERTY SHOWING THE LIE OF THE PROPERTIES OF THE PETITIONER AS WELL AS THE RESPONDENTS.

P2: TRUE COPY OF THE NO OBJECTION CERTIFICATE DT.7.6.2005 OF THE KSHB VASANT NAGAR ALLOTTEES ASSOCIATION ISSUED TO R2.

P3: TRUE COPY OF THE REQUEST DT.12.9.2005 OF THE PETITIONER GIVEN TO R1.

P4: TRUE COPY OF THE REPORT DT.11.11.2005 OF R1 FORWARDED TO R2.

P5: TRUE COPY OF THE JUDGMENT DT.31.7.2006 OF THIS HON'BLE COURT IN WPC NO.20076/2006.

P6: TRUE COPY OF THE LETTER DT.19.10.2006 OF R1.

RESPONDENT'S EXHIBITS:

R3(a): TRUE COPY OF THE EXECUTIVE COMMITTEE DECISION OF THE 3RD RESPONDENT DT.17.5.2005.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.29983 of 2006
.....

Dated this the 31st day of January, 2007.

JUDGMENT

The W.P. is filed for direction to first respondent to assign 7 cents of land belonging to Housing Board for the petitioner to utilise it for running a hotel which is going on in the property adjacent to the said 7 cents. The petitioner has offered market value for the property and submitted that if the 7 cents also is made available, petitioner can run the business properly. However, counsel for the Housing Board submitted that Housing Board is not free to sell any property and allotments are made based on plan approved by the Chief Town Planner. In order to ascertain the views of the local residents about the requirement of vacant place for providing play ground for children, parking facility, for recreation or a park and the like, the Residents Association was impleaded but no useful purpose is served by giving an opportunity to them because instead of suggesting appropriate use of land for the common benefit of the public, they have stated about the disentitlement of the petitioner to get the property assigned to him which was not what the court expected them to suggest. Therefore, this court cannot suggest to the Housing Board better utilisation of the land. Even

though petitioner has no right to get assignment of the land, if the Housing Board proposes to allot the land to any person, certainly petitioner's case should be considered. The W.P. is disposed of with direction to the Housing Board to consider the case of the petitioner, if the 7 cents of land adjacent to petitioner's property is proposed to be assigned at any time.

C.N.RAMACHANDRAN NAIR
Judge

pms